



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Edgardo Garcia

**SUBJECT: RACING ENFORCEMENT  
DETAIL**

**DATE:** May 8, 2019

Approved

Date

5-8-19

## **BACKGROUND**

On April 30, 2019, the City Council approved the Prohibit Spectators at Street Races and Reckless Driving Exhibitions memorandum<sup>1</sup> (Item 8.1) recommending approval of an ordinance amending Title 10 of the San José Municipal Code to include a new chapter prohibiting spectators at Street Races and Reckless Driving Exhibitions. The memorandum discussed public safety issues surrounding street racing, reckless driving exhibitions, and threats to pedestrian safety and motorists using San José streets and off-street parking facilities as well as residents' quality of life. This item was approved after a robust discussion regarding the impacts of street racing and the current police deployment of Racing Enforcement Detail (RED) Teams to suppress this unwanted activity. As part of the approved action, staff was directed to explore possible funding sources for the Police Department to assign overtime staffing for the RED team to augment their enforcement capabilities over the summer 2019 months. Staff was also directed to return to Council in six months with a report on implementation, including data on the number of arrests, citations, calls, geographic distribution of incidents, and possible additional tools or measures to improve enforcement and discourage participation in street racing and sideshows.

## **ANALYSIS**

As part of the approved action at the April 30, 2019 City Council meeting, the Department will report back in six months to the City Council with an informational update regarding the implementation of the new ordinance and its effects during the summer season. As part of the six-month update, the Department may bring forth additional modifications as needed to ensure that spectators who are not knowingly present at street races and reckless driving exhibitions are not being issued citations as an unintended consequence. As indicated in the discussion during the City Council Meeting, police officers have the discretion to issue a citation or give a warning and that the focus will be on the racers and reckless drivers. As with any new initiative with the

<sup>1</sup> Link to City Council 4/30/19 item 8.1: <http://sanjose.legistar.com/gateway.aspx?M=F&ID=14c72b04-2a7c-4b42-a5ea-87fa36a11b21.pdf>

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Department, this will be rolled out to staff in a well thought out manner. Field Patrol officers will receive roll call training during briefings on the new ordinance. Additionally, the new ordinance will be added to the Department's Peace Officer Standards and Training (POST) approved four-hour Racer Enforcement Course.

The Department also intends to produce several Public Service Announcements that will educate the public regarding San José's implementation of this new ordinance along with the potential fine of up to \$1,000 and/or six months in county jail.

In terms of possible funding sources to support RED Teams, the Department is currently deploying these resources as needed and Patrol staff may be held over in cases where there are major incidents occurring. As the Department continues to rebuild and fill vacancies, including the 41 new sworn positions coming online on June 1, 2019, proactive policing to combat these types of incidents will continue to increase.

Additionally, in January 2019, the Department applied for grant funding from the State of California, Office of Traffic Safety (OTS) to fund Speed Racer Enforcement Operations, which would provide funding for overtime and equipment for proactive enforcement. Each proposed Speed Racer Enforcement operation would cost approximately \$7,500, primarily for staff overtime, and the Department requested 12 operations for a total of \$90,000. Notification of a potential grant award would not occur until after summer and would be effective October 1, 2019 to September 30, 2020 if awarded. The proposed grant would fund multiple programs, such as DUI Checkpoint, DUI saturation patrols, Know Your Limit campaign, Traffic Safety education, and the Speed Racer Enforcement operations.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

/s/

Edgardo Garcia  
Chief of Police

For questions, please contact Police Captain Jason Ta at (408) 537-1810.